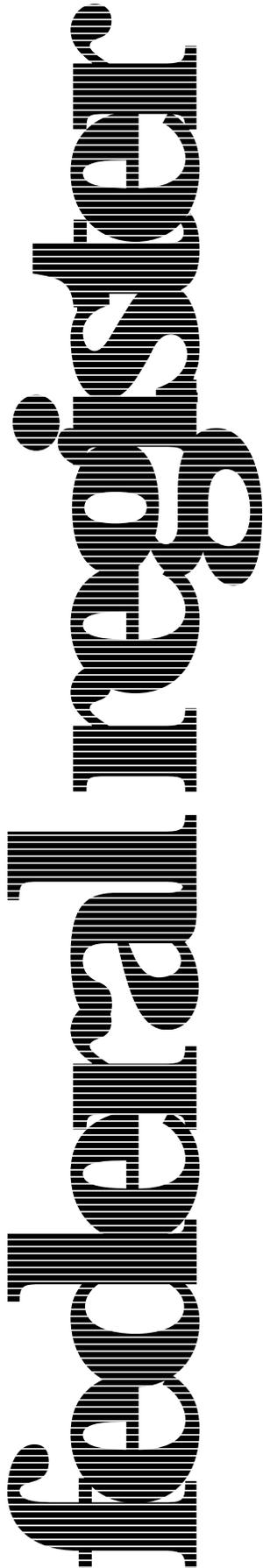

Wednesday
October 29, 1997



Part XXIII

**Equal Employment
Opportunity
Commission**

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission (EEOC or Commission) is publishing its semiannual regulatory agenda pursuant to Executive Order 12866, 58 FR 51735, and the Regulatory Flexibility Act, 5

U.S.C. chapter 6. The agenda lists all regulations that are scheduled for review or development during the next 12 months or that have been finalized since the publication of the last agenda.

FOR FURTHER INFORMATION CONTACT: Ellen J. Vargyas, Legal Counsel, Office of the Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-7197.

SUPPLEMENTARY INFORMATION: The Commission has identified ten current and projected regulations for inclusion in this regulatory agenda. Two of these items are completed and eight are

currently under development or review by Commission staff.

For this edition of EEOC's regulatory agenda, the most important significant regulatory action is included in The Regulatory Plan, which appears in Part II of this issue of the **Federal Register**. The Regulatory Plan entry is listed in the Table of Contents and is denoted by a bracketed bold reference, which directs the reader to the appropriate Sequence Number in Part II.

Signed in Washington, DC, this 12th day of August 1997.
For the Commission.

Gilbert F. Casellas,
Chairman.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3686 | Federal Sector Equal Employment Opportunity Procedures | 3046-AA66 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3687 | Procedures for Complaints of Employment Discrimination by Previously Exempt State and Local Government Employees | 3046-AA56 |
| 3688 | Regulations Interpreting Title II of the Older Workers Benefit Protection Act of 1990 (OWBPA) (Reg Plan Seq. No. 146) | 3046-AA58 |
| 3689 | Procedures for Collection of Debts by Administrative Offset | 3046-AA65 |

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Long-Term Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3690 | Procedures—The Age Discrimination in Employment Act | 3046-AA54 |
| 3691 | Procedures on Interagency Coordination of Equal Employment Opportunity Issuances | 3046-AA55 |
| 3692 | Federal Sector Equal Employment Opportunity | 3046-AA57 |
| 3693 | Disparate Impact Under the Age Discrimination in Employment Act (ADEA) | 3046-AA64 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3694 | Guidelines on the Application of the Americans With Disabilities Act of 1990 to Employer Provided Health Insurance | 3046-AA53 |
| 3695 | Supplemental Standards of Ethical Conduct for Employees of the Equal Employment Opportunity Commission | 3046-AA61 |

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Prerule Stage

3686. • FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY PROCEDURES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 2000e-16; 29 USC 206(d); 29 USC 633a; 29 USC 791; 29 USC 794a

CFR Citation: 29 CFR 1614

Legal Deadline: None

Abstract: Commission staff have reviewed part 1614 to assess its effectiveness and conformity with National Performance Review principles. As a result, several changes are being proposed to streamline the process and eliminate unnecessary layers of review.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Interagency Coordination | 10/00/97 | |
| NPRM | 11/00/97 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA66

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Final Rule Stage

3687. PROCEDURES FOR COMPLAINTS OF EMPLOYMENT DISCRIMINATION BY PREVIOUSLY EXEMPT STATE AND LOCAL GOVERNMENT EMPLOYEES

Priority: Substantive, Nonsignificant

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 2 USC 1220, sec 321 of Government Employee Rights Act of 1991; 42 USC 2000e et seq, title VII of the Civil Rights Act; 29 USC 621 et seq, Age Discrimination in Employment Act; 42 USC 12101 et seq, Americans with Disabilities Act

CFR Citation: 29 CFR 1603

Legal Deadline: None

Abstract: Under title VII of the Civil Rights Act of 1964, the ADEA and the ADA, certain staff members of State and local elected officials were exempt from protection against employment discrimination. Section 321 of the Government Employee Rights Act of 1991 extends employment discrimination protections to the employment of persons who have been chosen or appointed by a State or local elected public official to serve on his or her personal staff, to serve the elected official on the policymaking level, or to serve as an immediate advisor with respect to the exercise of

the constitutional or legal powers of the official's office.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 04/10/97 | 62 FR 17542 |
| Interim Final Rule Comment Period End | 06/09/97 | |
| Final Action | 10/00/97 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA56

3688. REGULATIONS INTERPRETING TITLE II OF THE OLDER WORKERS BENEFIT PROTECTION ACT OF 1990 (OWBPA)

Regulatory Plan: This entry is Seq. No. 146 in Part II of this issue of the **Federal Register**.

RIN: 3046-AA58

3689. • PROCEDURES FOR COLLECTION OF DEBTS BY ADMINISTRATIVE OFFSET

Priority: Info./Admin./Other

Legal Authority: 5 USC 5514; 31 USC 3716; 31 USC 3720A; 5 CFR 550.1101

CFR Citation: 29 CFR 1650

Legal Deadline: None

Abstract: As required by the Debt Collection Improvement Act of 1996, the Commission is issuing regulations for the collection of debts by administrative offset.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 06/17/97 | 62 FR 32685 |
| Interim Final Rule Comment Period End | 08/18/97 | |
| Final Action | 11/00/97 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
Phone: 202 663-4669
TDD: 202 663-7026

RIN: 3046-AA65

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Long-Term Actions

3690. PROCEDURES—THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Priority: Substantive, Nonsignificant
Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 29 USC 628, sec 115, Civil Rights Act of 1991

CFR Citation: 29 CFR 1626

Legal Deadline: None

Abstract: Section 115 of the Civil Rights Act of 1991 deleted references to the Portal to Portal Act from the private suit provisions of the Age Discrimination in Employment Act (ADEA) and replaced them with a requirement that suit be filed no later than 90 days after termination of proceedings or dismissal of a charge by EEOC. Accordingly, section 1626.7(a) is being deleted and section 1626.15(b) is being revised because they were both based upon the Portal to Portal Act. New sections are being added concerning termination of EEOC proceedings and the issuance of notices of the new 90-day limitation period.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
 Phone: 202 663-4669
 TDD: 202 663-7026

RIN: 3046-AA54

3691. PROCEDURES ON INTERAGENCY COORDINATION OF EQUAL EMPLOYMENT OPPORTUNITY ISSUANCES

Priority: Substantive, Nonsignificant

Legal Authority: EO 12067

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: Executive Order 12067 requires the Equal Employment Opportunity Commission and other Federal agencies to informally and formally coordinate with each other when they develop rules, policies, procedures, and other issuances affecting equal employment opportunity. 29 CFR part 1690 sets forth specific procedures for this interagency coordination. These amendments to 29 CFR part 1690 will update the coordination process to suit the broad range of materials now being presented to EEOC for review, and also to formalize existing practices as to the sequence of review between the EEOC under Executive Order 12067; the Department of Justice under Executive Order 12250; and the Office of Management and Budget under Executive Order 12866 and the Paperwork Reduction Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carol R. Miaskoff, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
 Phone: 202 663-4679
 TDD: 202 663-7026

RIN: 3046-AA55

3692. FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-569, The Rehabilitation Act Amendments of 1992; 42 USC 2000e-16; 29 USC 633a; 29 USC 794a

CFR Citation: 29 CFR 1614

Legal Deadline: None

Abstract: The proposed amendments to this regulation implement the Rehabilitation Act Amendments of 1992. Those amendments provide that the standards used to determine if title I of the Americans With Disabilities Act

has been violated will apply to complaints of nonaffirmative action employment discrimination under the Rehabilitation Act. The Commission may also make other changes to the Federal Sector complaint processing regulations as appropriate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
 Phone: 202 663-4669
 TDD: 202 663-7026

RIN: 3046-AA57

3693. • DISPARATE IMPACT UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625.7 (Revision); 29 CFR 1625.23 (New)

Legal Deadline: None

Abstract: The Commission proposes to issue legislative regulations to reaffirm and clarify its long-standing interpretive rule regarding the availability of the disparate impact theory under the ADEA. The proposed rule also would set forth the nature and order of proof in such disparate impact cases.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507
 Phone: 202 663-4679
 TDD: 202 663-7026
 Fax: 202 663-4639

RIN: 3046-AA64

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Completed Actions

3694. GUIDELINES ON THE APPLICATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 TO EMPLOYER PROVIDED HEALTH INSURANCE

Priority: Other Significant

CFR Citation: 29 CFR 1631

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/12/97 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Christopher Kuczynski
 Phone: 202 663-4503
 TDD: 202 663-7026
RIN: 3046-AA53

3695. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

CFR Citation: 29 CFR 1600; 5 CFR 7201; 29 CFR 1650

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/08/97 | 62 FR 36447 |
| Final Action Effective | 07/08/97 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas J. Schlageter
 Phone: 202 663-4669
 TDD: 202 663-7026

RIN: 3046-AA61
 [FR Doc. 97-22226 Filed 10-28-97; 8:45 am]
BILLING CODE 6570-06-F